

**MINUTES OF THE
STATE ELECTIONS ENFORCEMENT COMMISSION'S
SPECIAL MEETING
September 21, 2005**

I. Call to Order

Chairman Cashman called the meeting to order at 9:17 A.M. Commissioners Mendoza, Cleary, Jenkins and Brett were present. Staff members present were Messrs. Garfield, Lenge, Smith, Crayton, Ly, Ms. Kulmacz, Ms. Haqq, Ms. Adams and Ms. Blackburn.

Mr. Garfield requested that the Commission add to today's agenda in Executive Session the discussion of a personnel matter.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary to add a discussion of a personnel matter in Executive Session as Item VII. So voted.

II. Approval of the Minutes of the August 17, 2005 Regular Meeting

It was moved by Commissioner Mendoza and seconded by Commissioner Jenkins to approve the minutes of the August 17, 2005 regular meeting. So voted.

III. Pending Complaints and Investigations

A. Public Session

1. In the Matter of a Complaint by Olga Aviles, Hartford
File No. 2004-203
Proposed Consent Agreement and Order
Respondent: Mamie Jackson
Investigators: Attorney Marc W. Crayton &
Lead Legal Investigator, Gilberto Oyola
Managing Attorney: Albert P. Lenge

Attorney Crayton explained that the proposed Consent Agreement and Order in the above captioned matter has been signed by Respondent Mamie Jackson and she has agreed to the conditions of the payment plan detailed in the agreement. The first payment of \$125 has been received with the balance of \$375 to be paid as stipulated in the agreement.

It was moved by Commissioner Mendoza and seconded by Commissioner Jenkins to adopt the proposed Consent Agreement and Order in File No. 2004-203. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

2. In the Matter of a Complaint by Susan Sinclair Wallace, Cheshire
File No 2005-135

Respondent: Terry Kelliher
Investigator: Attorney Joan M. Andrews
Managing Attorney: Albert P. Lenge
Proposed Consent Agreement and Order or
Recommendation: Find Reason to Believe that Respondent
Terry Kelliher violated Connecticut General Statutes §§9-333h,
9-333i(e), 9-333i(f), 9-333i(j), 9-333j, 9-333m, 9-333o, 9-333x(7),
9-333x(9) and 53a-157b.

Mr. Lenge summarized the above complaint and investigation. Negotiations with the Respondent have not been successful and Mr. Lenge recommended the matter be heard by a hearing officer.

It was moved by Commissioner Cleary and seconded by Commissioner Brett that the Commission finds reason to believe that Respondent Terry Kelliher violated Connecticut General Statutes §§9-333h, 9-333i(e), 9-333i(f), 9-333i(j), 9-333m, 9-333o, 9-333x(7), 9-333x(9) and 53a-157b and that a hearing officer be designated for the purpose of conducting a hearing for this matter. So voted.

Chairman Cashman asked for a volunteer for the above referenced matter. Commissioner Cleary volunteered and Chairman Cashman designated her as Hearing Officer.

3. In the Matter of a Complaint by William Tyszka, Simsbury
File No. 2005-143

Proposed Consent Agreement and Order
Respondent: Robert E. Zarbock
Investigator: Attorney William B. Smith
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield stated that the Respondent in the above referenced matter has failed to sign and return the proposed Consent Agreement Order. Attorney Smith stated that Mr. Zarbock has been unresponsive to numerous efforts to contact him. Mr. Garfield recommended that the matter be heard by a hearing officer.

It was moved by Commissioner Mendoza and seconded by Commissioner Cleary that the Commission finds reason to believe that Respondent Robert E. Zarbock violated Connecticut General Statutes §9-333s and that a hearing officer be designated for the purpose of conducting a hearing for this matter. So voted.

Chairman Cashman asked for a volunteer for the above referenced matter. Commissioner Mendoza volunteered and Chairman Cashman designated her as Hearing Officer.

4. In the Matter of a Complaint by Joseph Valys, Dayville
File No. 2005-165
Proposed Consent Agreement and Order
Respondents: Christian Sarantopoulos & Edward Allard, Jr.
Investigator: Attorney Joan M. Andrews
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and investigation. The proposed Consent Agreement and Order has been signed by the Respondents and each has paid the civil penalty of \$100.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adopt the proposed Consent Agreement and Order in File No. 2005-165. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

5. In the Matter of a Complaint by Arthur Screen, Plainville
File No. 2005-167
Proposed Findings and Conclusions
Investigator: Attorney Marc W. Crayton
Managing Attorney: Albert P. Lenge

Attorney Crayton summarized the above referenced complaint and investigation.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to adopt the proposed Findings and Conclusions in File No. 2005-167. So voted. The matter is dismissed. A copy of the Findings and Conclusion is attached and incorporated herein as part of these minutes.

6. In the Matter of a Complaint by Tina LaPorta, East Windsor
File No. 2005-171
Proposed Consent Agreements and Orders
Respondents: Lisa Lopuk and Joseph R. Gallucci
Investigator: Attorney Joan M. Andrews
Managing Attorney: Albert P. Lenge

Mr. Lenge summarized the above referenced complaint and investigation. Both Respondents have signed the proposed Consent Agreements and Orders. He informed the Commissioners that Mr. Gallucci inadvertently made his check out to the State of Connecticut and it was deposited into the General Fund in error. The order stated that Mr. Gallucci was to reimburse the amount of \$161. to the Town of East Windsor and not to the state. Authorization to rectify the matter has been received.

It was moved by Commissioner Mendoza and seconded by Commissioner Brett to adopt the proposed Consent Agreement and Order with respect to Respondent Joseph R. Gallucci. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

It was moved by Commissioner Mendoza and seconded by Commissioner Cleary to adopt the proposed Consent Agreement and Order with Respect to Respondent Lisa Lopuk. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

7. In the Matter of a Complaint by Joanne Cleary, Branford
File No. 2005-178
Proposed Findings and Conclusions
Investigator: Attorney William B. Smith
Managing Attorney: Albert P. Lenge

Attorney Smith explained the above referenced complaint and investigation.

It was moved by Commissioner Mendoza and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2005-178. So voted. The matter is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

8. In the Matter of a Complaint by Michael DeBenedett, East Haven
File No. 2005-179
Proposed Findings and Conclusions
Investigator: Attorney Joan M. Andrews
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and investigation.

It was moved by Commissioner Mendoza and seconded by Commissioner Cleary to adopt the proposed Findings and Conclusion in File No. 2005-179. So voted. The matter is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

9. In the Matter of a Complaint by James Morrissey, West Haven
File No. 2005-180
Proposed Findings and Conclusions
Investigator: Attorney Marc W. Crayton
Managing Attorney: Albert P. Lenge

Attorney Crayton explained the above referenced complaint and investigation. Mr. Lenge further summarized the allegations in the complaint and the results stated in the proposed Findings and Conclusions.

It was moved by Commissioner Mendoza and seconded by Commissioner Cleary to adopt the proposed Findings and Conclusions in File No. 2005-180. The matter is dismissed as to all of the allegations in the complaint except the last for the reasons stated. The last allegation however is continued so that the Commission can address the requirements of the Registrars of Voters in checking duplicate signatures. So voted. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

IV. Referral to Attorney General for Enforcement of Commission Order

In the Matter of a Referral by the Office of the Secretary of the State
File No. 2005-123NF

Committee: Friends for Lew

Respondent: Patricia Davidson, Treasurer

Final Decision issued on July 20, 2005

Mr. Garfield explained that the Final Decision was adopted by the Commission on July 20, 2005 and notice of the Commission's decision was sent to the Respondent. According to the Uniform Administrative Procedures Act, the Respondent may request an appeal. No appeal has been requested and the deadline for the appeal has passed. Mr. Garfield recommended that the matter be referred to the Attorney General for collection.

It was moved by Commissioner Mendoza and seconded by Commissioner Cleary to refer the above referenced matter to the Attorney General for the enforcement of the Commission's order. So voted.

V. Final Report on Campaign Finance Reform Working Group

Mr. Garfield stated that he has been providing technical and legal support for the Campaign Finance Reform Working Group. The group's efforts may be adopted in large measure this afternoon at its final meeting. The draft proposal is very comprehensive however, group members disagree concerning timing of some of the restrictions. The Governor has offered her compromise and he expects it will be discussed today.

The draft report addresses the Commission's role in the administration and enforcement of the new restrictions and the public financing program. It reflects confidence in this agency's ability to carry out the mandate in the proposal. The draft language supports a significant increase in staffing especially the audit staff. Additional computer program people will also be needed. There was a discussion on the additional work that will be required to administer and enforce the program and also the budgetary impact. Mr. Garfield will keep the Commissioners informed.

VI. *Administrative Report*

Mr. Garfield stated that the campaign finance seminars have been completed. The five seminars that staff presented across the state were very well attended. Mr. Garfield gave a special thank you to Mr. Ly. In Mr. Zepka's absence, Mr. Ly not only spoke at the seminars but he assisted with the technical aspects of the presentations.

In addition to the seminars, Mr. Lenge and Attorney Andrews gave a presentation at the Registrars of Voters conference last week and Mr. Garfield and Attorney Crayton will be going to the Town Clerks conference tomorrow. Mr. Garfield will be giving a presentation on the implementation of the new absentee ballot laws. There has been some positive and some negative feedback from the town clerks.

Mr. Lenge has been representing the Commission on the Request for Proposal Committee formed by Secretary Bysiewicz. He has been working along with the Office of the Secretary of the State on the acquisition of the new voting machines. There has been an advisory ruling that has been issued by the Election Assistance Commission that suggests that the lever machines cannot be used anymore in compliance with HAVA. This agency has been designated as the agency for compliance with HAVA for the State of Connecticut. Mr. Garfield expressed his hope that Connecticut will be allowed to move forward incrementally.

Mr. Lenge has been working with COGEL to revise the model contribution and expenditure portion of the campaign finance law.

Mr. Garfield informed the Commission that the office has been experiencing equipment failure issues. For several weeks the computers has been down along with the malfunction of our copier. The Department of Technology has been working in our office and he is happy to say that the computer is repaired and fully functional. We will be contracting with DOIT for future assistance with our computers. The new copier is almost up and running and will have the new capability to enable us to prepare bound publications.

Lastly, Mr. Garfield invited the Commissioners to attend the COGEL Conference that is scheduled for early December in Boston, and to let him know if any wished to attend.

VII. *Executive Session per C.G.S. 9-200(6)(B) and (E), and 1-210(b)(4)*

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins at 10:50 A.M. to proceed into Executive Session pursuant to C.G.S. 1-200(6)(B) and (E) and 1-210(b)(4) to discuss a personnel matter. So voted. Present were Commissioners Cashman, Mendoza, Cleary, Jenkins and Brett. Staff members present were Messrs. Garfield and Lenge.

It was moved by Commissioner Jenkins and seconded by Commissioner Brett to return to public session at 11:00 A.M. So voted.

VIII. Adjournment

Chairman Cashman adjourned the meeting at 11:01 A.M.

Unless otherwise indicated, all votes of the Commission are unanimous.

The next regular meeting is scheduled for Wednesday, October 12, 2005 at 9:00 a.m.

Respectfully submitted,

Lois E. Blackburn
Clerk of the Commission